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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,614	04/12/2004	Shigeki Taniguchi	3169.70231	5008

7590 09/05/2007  
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EXAMINER
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MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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09/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,614	<b>Applicant(s)</b> TANIGUCHI ET AL.	
	<b>Examiner</b> Glenford Madamba	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8, 10-13, 15, 17, 20-22, 23, 25, 28-29, 30, 32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirani et al (hereinafter Kirani), U.S. Patent Publication US 2002/0032027 A1.

As per Claims 1, 22 and 29, Kirani discloses a terminal apparatus (Cell Phone 911 / Media Capture Device 913) [Fig. 11c] comprising:

a communication unit (Cell phone/modem) [Table 1] that communicates with a server apparatus (Web Server) [Figs. 9 & 11c] (Photoserver) [0098];

a processing unit that executes a program received from the server apparatus via the communication unit (Image Processor 102) [0081] [Fig. 1a]; and

a control unit that controls the communication unit and the processing unit (Central Processor 106 / Huffman or RLE Compression) [0081] [Fig. 1a], wherein when the processing unit completes execution of a first program (e.g. Wavelet Transform) [Figs. 3a-l & 4a], the control unit acquires a destination in which to store the result of that execution, receives, from the server apparatus (Web Server / Photoserver) via the communication unit, a second program ('application programs' 201a, b, c, or d) [0110] [Fig. 2] that further processes the execution result, and then causes the processing unit to execute the second program (e.g. Color Transformation 313 / YUV Transformation 315 / JPEG Compression 317) [Fig. 3a & 4b] (i.e., execution of 'application programs' 201a, b, c, or d) [0110].

Claims 22 and 29 recite the same limitations as claim 1, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claim 2, Kirani discloses the terminal apparatus of claim 1, wherein the terminal apparatus is carried by a user [0003-0004] [Fig. 9].

As per Claim 3, Kirani discloses the terminal apparatus of claim 1, further comprising a shooting unit that shoots images (CMOS / CCD Sensor) [0081] [Fig. 1a] and an image storage unit that stores the shot images (DRAM /SRAM 104) [Fig. 1a] [Table 1].

As per Claim 4, Kirani discloses the terminal apparatus of claim 1, further comprising a

registration portion that registers data in a web server via the communication unit, wherein the processing unit executes processing with respect to that data [0003-0004] (e.g. "uploading image data to a Web-based server computer) [0011].

As per Claim 5, Kirani discloses the terminal apparatus of claim 4, further comprising a shooting unit that shoots images, wherein image data shot by the shooting unit is included in the data (320) [Fig. 3a].

As per Claim 6, Kirani discloses the terminal apparatus of claim 5, wherein the format of the image data includes at least one of GIF format, JPEG format and PNG format [0007-0008].

As per Claim 8, Kirani discloses the terminal apparatus of claim 4, wherein audio data is further included in the data [0003-0004] (e.g., digital audio data) [0011].

As per Claim 10, Kirani discloses the terminal apparatus of claim 4, further comprising an instruction information generation unit that generates instruction information representing the location of the data registered in the web server (i.e., URL information) [Fig. 1b & 2] [0034].

As per Claim 11, Kirani discloses the terminal apparatus of claim 4, further comprising an e-mail processing unit that creates an e-mail including instruction information

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representing the location of the data registered in the web server and requests transmission of e-mail from an *e-mail server* via the communication unit (e.g., uploading / downloading of email information from Web site / Web-based Server) [0004] [0011].

As per Claim 12, Kirani discloses the terminal apparatus of claim 10 or 11, wherein image data is included in the data and the processing unit executes processing with respect to that image (image capture) [Fig. 3a].

As per Claim 13, Kirani discloses a *server* that receives a request to save data from a terminal apparatus (Web Server) [Figs. 9 & 11c] (Photoserver) [0098], the server comprising:

- a communication unit that communicates with the terminal apparatus (modem 162 / network interface 161 or communication interface 160) [Fig. 1b];
- a storage unit that stores data received via the communication unit (fixed storage 165 / removable storage 166) [Fig. 1b]; and
- an instruction information generation unit that generates instruction information representing a destination in which to store the data (CPU 151) [Figs. 1b & 2].

Claims 23 and 30 recite the same limitations as claim 13, is distinguished only by statutory category, and thus rejected on the same basis.

As per Claim 15, Kirani discloses the server of claim 13, further comprising a processing unit that executes processing, when the data is image data, with respect to that image data (CPU 151) [Figs. 1b, 3a & 4b] [0110].

As per Claim 17, Kirani discloses a terminal apparatus (Cell Phone 911 / Media Capture Device 913) [Fig. 11c] comprising:

- a communication unit (Cell phone/modem) [Table 1] that communicates with a server apparatus (Web Server) [Figs. 9 & 11c] (Photoserver) [0098];

- a processing unit that executes a program received from the server apparatus via the communication unit (Image Processor 102) [0081] [Fig. 1a]; and

- a data management unit that provides data in accordance with a request from the program executed by the processing unit (CPU 106) [Fig. 1a], wherein

- the request includes information specifying the data and information designating a destination to which to output the data (transfer to target platform on Web server) [Fig. 3a], and

- the management unit retains the data in a first format (e.g., original image capture), converts the data to a second format (e.g., wavelet transformed image) [Fig. 3a] and outputs the data to the output destination [Fig. 3a].

Claims 25 and 32 recite the same limitations as claim 17, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claim 20, Kirani discloses a terminal apparatus (Cell Phone 911 / Media Capture Device 913) [Fig. 11c] comprising:

- a communication unit (Cell phone/modem) [Table 1] that communicates with a server apparatus (Web Server) [Figs. 9 & 11c] (Photoserver) [0098];

- a processing unit that executes a program received from the server apparatus via the communication unit (Image Processor 102) [0081] [Fig. 1a];

- a function providing unit that provides a predetermined function in accordance with a request from the program executed by the processing unit (CPU 106) [Fig. 1a]; and

- a data management unit that provides data to the function providing unit (CPU 106) [Fig. 1a], wherein

- the request includes information specifying the data and information instruction the function relating to that data (transfer to target platform on Web server) [Fig. 3a],

- the program indirectly specifies the data in the request [Application Programs 201a-d) [Fig. 2], and

- the data management unit delivers the indirectly specified data to the function providing unit or the processing unit [Fig. 1a & 2].



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Claims 28 and 35 recite the same limitations as claim 20, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claim 21, Kirani discloses the terminal apparatus of claim 20, wherein the data management unit manages image data and delivers image data indirectly specified by the request to the program executed by the processing unit (e.g., Processor 106) (Image DRAM 104) (Digital Film Flash Memory 111) [Fig. 1a & 2].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al (hereinafter Kirani), U.S. Patent Publication US 2002/0032027 A1 in view of Obviousness.

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As per Claims 7 & 14, Kirani in view of Obviousness discloses the terminal apparatus of claim 4, wherein at least one of text data and incoming melody data that gives notification, by music, of incoming data when data is received in the communication unit is included in the data.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 4 (Cell Phone 911 / Media Capture Device 913) [Fig. 11c] comprising a registration portion that registers data in a web server via the communication unit, wherein the processing unit executes processing with respect to that data [0003-0004] (e.g. "uploading image data to a Web-based server computer) [0011], he does not expressly disclose the additionally recited feature of the terminal apparatus of claim 4, wherein at least one of text data and incoming melody data that gives notification, by music, of incoming data when data is received in the communication unit is included in the data. The said feature is rejected in view of Obviousness.

The feature of incoming data notification by text and/or audio (e.g., music) of incoming 'event' data is well known in the art, particularly in remote and/or mobile computing technology, such as cellular phone / PDA messaging (SMS messaging).

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above said feature for the motivation of providing 'alert' notification to a user of a terminal device in the area of mobile computing or cellular phone technology for event data.

As per Claim 9, Kirani in view of Obviousness discloses the terminal apparatus of claim 8, wherein the format of the audio data includes at least one of Wav format, PCM format, ADPCM format and AIFF format.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 4, he does not expressly disclose the additionally recited feature of the terminal apparatus of claim 8, wherein the format of the audio data includes at least one of Wav format, PCM format, ADPCM format and AIFF format. The said feature is rejected in view of Obviousness.

The feature of incoming data notification by text and/or audio (e.g., music) of incoming 'event' data is well known in the art, particularly in remote and/or mobile computing technology, such as cellular phone / PDA messaging (SMS messaging). It is also well known in the art for the audio notification to be in a particular format such as WAV, PCM, AIFF, etc.

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above said feature for the motivation of providing 'alert' notification to a user of a terminal device in the area of mobile computing or cellular phone technology for event data.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al (hereinafter Kirani), U.S. Patent Publication US 2002/0032027 A1 in view of Kirani et al (hereinafter Kirani '697), U.S. Patent Publication US 2002/0016818 A1.

As per Claim 16, Kirani in view of Kirani '697 discloses an *e-mail server* that receives an e-mail transmission request from a terminal apparatus, the e-mail server comprising:

a transmission request receiving unit that receives a transmission request including an e-mail text body from a terminal apparatus (modem 162 / network interface 161 or communication interface 160) [Fig. 1b];

a storage request unit which, when data has been attached to the e-mail text body, requests a server on a network to store that data and acquires instruction information representing a destination in which to store the data stored in the server (fixed storage 165 / removable storage 166) [Fig. 1b];

and a transmission unit that adds the instruction information to the e-mail text body and transmits an e-mail (CPU 151) [Figs. 1b & 2] (e.g., uploading / downloading of email information from Web site / Web-based Server) [0004] [0011].

While Kirani discloses substantial features of the invention such as a web server comprising a transmission request receiving unit, a storage unit, and transmission unit, as above, he does not explicitly disclose that the server is an email server. The feature is disclosed by Kirani '697 in a related endeavor.

Kirani '697 discloses as his invention an email system that repackages message attachments optimized for delivery to wireless handheld devices. Any detached attachment is saved in a network media-sharing repository, and can be subsequently accessed via a link (e.g., URL) referencing that storage address. Recipients may also elect to receive the URL for the network storage address of copies of either the original and/or transformed attachments [Abstract] [0004-0006]. In particular, Kirani '697 discloses the specifically recited feature of an 'email server' comprising the above features (Mail server 315) [Fig. 3].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Kirani '697, for the motivation of providing an optimization of the email deliveries to allow for the recipients to receive email attachments at a time and in a size/format as desired [Abstract].

Claims 24 and 31 recite the same limitations as claim 16, are distinguished only by statutory category, and thus rejected on the same basis.

6. Claims 18, 19, 26, 27, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirani et al (hereinafter Kirani), U.S. Patent Publication US 2002/0032027 A1 in view of Davis et al (hereinafter Davis), U.S. Patent Publication US 2002/0001395 A1.

As per Claim 18, Kirani in view of Davis discloses the terminal apparatus of claim 17, wherein the first data includes character data and the second data includes data where the characters have been converted to an image.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 17, he does not explicitly disclose the apparatus wherein the first data includes character data and the second data includes data where the characters have been converted to an image. The feature is disclosed by Kirani '697 in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the apparatus wherein the first data includes character data and the second data includes data where the characters have been converted to an image [0004-0006] [0027-0029] [0100-0103].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Claims 26 and 33 recite the same limitations as claim 18, are distinguished only by statutory category, and thus rejected on the same basis.

As per Claim 19, Kirani in view of Davis discloses the terminal apparatus of claim 17, wherein the information specifying the data includes information identifying the type of data and information identifying a position in plural headings or a rank in plural headings configuring one type of identified information.

While Kirani discloses substantial features of the invention such as the terminal apparatus of claim 17, he does not explicitly disclose the apparatus wherein the information specifying the data includes information identifying the type of data and information identifying a position in plural headings or a rank in plural headings configuring one type of identified information. The feature is disclosed by Kirani '697 in a related endeavor.

Davis discloses as his invention a steganographic embedder that associates data with a media signal by encoding the data, a link to the data, or a combination of both into the media signal. The embedder may be located in the media signal capture device or an external process or device [Abstract]. In particular, Davis discloses the additionally recited feature of the apparatus wherein the information specifying the data includes information identifying the type of data and information identifying a position in

plural headings or a rank in plural headings configuring one type of identified information (i.e., Data Types) [0027] [0106-0135].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Kirani's invention with the above added feature, as disclosed by Davis, for the motivation of providing associating data (metadata) with media signals [0002-0003] [0014-0025].

Claims 27 and 34 recite the same limitations as claim 19, are distinguished only by statutory category, and thus rejected on the same basis.

### ***Conclusion***

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.



2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Igarashi et al Patent Pub No.: US 2002/0169821 A1  
*Server, Terminal and Control Methods for Transmitting Real-Time Images Over the Internet*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VALENCIA MARTIN-WALLACE  
PRIMARY EXAMINER

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Glenford Madamba  
Examiner  
Art Unit 2151